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HAMPTON PLANNING BOARD – MINUTES
JULY 20, 2005 – 7:00 PM

PRESENT: Tracy Emerick, Chairman
Tom Higgins, Vice Chairman
Robert Viviano
Tom Gillick
Keith Lessard
Fran McMahon, Clerk
Cliff Pratt, Selectman Member
James Steffen, Town Planner

ABSENT:

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Mark Gerreauld led the Pledge of Allegiance to the flag.

WITHDRAWALS AND POSTPONEMENTS

Chairman Emerick announced that the attorney for the following applicant has requested an indefinite continuance of these applications:

Drakes Appleton Corporation
Site Plan Review to construct **36-unit Townhouse** condominiums at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of Record: Morgan Ryan Realty Trust
Waiver Requested: Site Plan Regulations Section VII.D.2 (increase in storm water runoff)
Jurisdiction accepted March 3, 2004, extended by applicant
Tabled from meeting of May 4, 2005 and continued from meeting of May 18, 2005

Drakes Appleton Corporation
Special Permit to work within the Wetlands District, associated with 36-unit Townhouse at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of Record: Morgan Ryan Realty Trust
Tabled from meeting of May 4, 2005 and continued from meeting of May 18, 2005

MOVED by Mr. Pratt to accept the continuance of the applications.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

Chairman Emerick announced that engineering review of the following application was ongoing. The application was not as yet ready for a continued hearing.

Maplecroft Development LLC to 7/20
Site Plan Review to remove existing house and construct 10 residential townhouse condominiums (2 buildings with 5 units each) at
180 Drakeside Road
Map 172, Lot 12

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Owner of Record: Pamela Kopka

Continued from May 18, 2005/June 15, 2005

MOVED by Mr. Viviano to continue this application to the August 17th Planning Board meeting.

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

Chairman Emerick announced that the following application was not as yet ready to be heard because the traffic study has not as yet been received:

Seven-O-Nine Ocean Boulevard Realty Trust

Site Plan Review to construct an 11-unit condominium at

437 Winnacunnet Road

Map 221 Lot 11

Owner of Record: Seven-O-Nine Ocean Boulevard Realty Trust

Jurisdiction accepted June 1, 2005

MOVED by Mr. Viviano to continue this application to the August 17th Planning Board meeting.

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

Chairman Emerick announced that the following applicant had requested continuance of the application to the August 17th meeting of the Planning Board:

Jean Boudreau, Trustee, Concord Realty Trust

Condominium Conversion at

18 Ocean Boulevard and 1 Dover Avenue

Map 296, Lots 108 and 131

Waivers from Subdivision Regulation Section V.E. (Detailed Plan) and VII.D (Storm Drainage)

MOVED by Mr. Viviano to approve continuing this application to the August 17th meeting of the Planning Board.

SECOND by Mr. Pratt

VOTE: 7-0-0 -

MOTION PASSED

CONTINUED PUBLIC HEARINGS

Mr. Higgins recused himself for the next application.

- 2) 389 High Street Realty Trust
Site Plan Review for a 5-unit condominium building with parking underneath at 389 High Street Map 180, Lot 3A
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee and 389 High Realty Trust, Jerome Sakurai, Trustee

Jurisdiction accepted April 6, 2005

3a) 389 High Street Realty Trust
Special Permit in conjunction with site plan review at
389 High Street
Map 180, Lots 3A 6-7

3b) 389 High Street Realty Trust
Conditional Use Permit in conjunction with special permit and site plan review
at
389 High Street Map 180, Lots 3A 6-7
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee and 389
High Realty Trust, Jerome Sakurai, Trustee

Mr. Sakurai, Owner, announced that his attorney was not yet present. It was decided that the owner would begin his presentation. Mr. Sakurai and Joe Coronati, Engineer, presented this application. Mr. Coronati announced that this project has been redesigned. It now has six 2-bedroom units, gives the appearance of a home, and, he state, it is acceptable to the abutters. He indicated that the proposed conditions would have less impact on the wetland buffer zone. Mr. Coronati said they had met with the Conservation Commission since the last time they were before the Planning Board. The applicant had proposed a deed restriction to the Conservation Commission. He stated that the Commission had no trouble with a deed restriction but would like the Rockingham County Conservation District to hold a conservation easement. If the County is not willing to do this, the Commission proposed to leave it as a deed restriction. Mr. Coronati stated these were the only changes tonight.

With the building changes the patio area was moved to the other side of the building. Two retaining walls were added to provide patio areas for all of the units. A deck was added in the rear. Other than that, the building has been extended 9 feet and has been squared off in the front. There have been changes to the elevations, which the board received from the architect.

Francis X Bruton, Attorney, joined the presentation. He indicated that they had met with the abutters to discuss their concerns with the project. The net result of the meeting was that the applicant and the abutters came together and came up with the new plan. This new plan reduces the number of living floors from 3 to 2. He indicated there is a letter from Tracy Kelly, an abutter, indicating agreement to the new plan. He distributed copies of the letter to the Board. Participants in the meeting are listed in this letter. One clarification is that an issue regarding an Alexander Drive fence needs to be worked out. He stated that the Conservation Commission liked the new proposal. Technically, the applicant will need to present a new special permit to the Conservation Commission. He indicated that the Conservation Commission chairperson was comfortable with the fence solution.

The new plan reduces the number of bedrooms from 15 to 12. The change in the footprint is not significant. Mr. Bruton indicated he had met with Town Attorney Gerreauld on Planning Board issues involving this project. He indicated the applicant takes no exception to issues and concerns of the Board from the previous meeting. He knows that there are conditions that would be attached to an approval. He anticipates coming back to the Board on August 3rd to bring the project to resolution.

BOARD

Mr. Lessard said the plan shows planted shrubs where snow storage is supposed to be. Mr. Coronati said snow storage could be moved closer to the road. Mr. Lessard applauded changes in elevations for being more acceptable visually. Mr. Lessard then asked if all units had outside space. Mr. Bruton indicated the outside space on the second floor was within footprint. Mr. Lessard asked about space for trash disposal containers. Mr. Coronati said there is space on the basement level for trash collection. He indicated that the outside space for trash is limited. To create space for a dumpster, they would need to move the detention pond area back. Mr. Lessard asked how high the retaining wall was. Mr. Coronati said it goes from 4 feet to 9 feet. Mr. Coronati said it provides patio area for the units. Mr. Lessard asked how high fencing would be on the wall. Mr. Coronati said this hasn't been determined yet. Mr. Sakurai said they would need to meet with the Building Inspector to determine what would be needed and allowed.

Mr. Gillick complimented what has been done so far on the project. His concern is that this matter was returned to the Planning Board by Superior Court to be mediated. He wants to be sure that the Planning Board has complied with the judge's instruction.

Attorney Gerreauld recommended that the project not be conditionally approved tonight. He said that the Conservation Commission should look at this new plan first. His understanding is that the Conservation Commission wants a full conservation easement. He said the significance is that it connects with another wetland easement. Mr. Gerreauld said he and Mr. Bruton looked over the plans and discussed counting of the conservation area by other owners. He said wording should be put on the plan regarding this issue. Mr. Gerreauld described the legal process that has taken place to date. All along it was understood that the public hearing process needed to be gone through.

Mr. Gillick then asked if the Planning Board sends this back to the Conservation Commission, and they make a decision about the easement, will the Town Attorney put something in writing so that the Planning Board is on solid ground with an approval.

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Mr. Gerreauld responded that there would be some drafting necessary after this has gone to the Conservation Commission. It will take work between Attorney Bruton & Attorney Gerreauld before it is ready for approval.

Mr. Viviano stated he liked the current plan and suggested he was favorably disposed toward the current plan.

Mr. Gerreauld said that the Rockingham County Conservation District would need to be involved in drafting easement language. He feels this can be done by the second Planning Board meeting in August.

Mr. Gillick asked if it was germane to this board who holds the conservation easement.

Mr. Gerreauld said the Conservation Commission would like the Rockingham County Conservation District to do it. He feels it's important that the easement language be complete before approval.

Mr. Gerreauld then said that the Building Inspector should be involved in the retaining wall issue.

PUBLIC

Tracy Kelly, 9 Alexander Drive, said she appreciated the applicant working with the abutters. Their only remaining concern is the height of the building. She said that 6 2-bedroom units are more acceptable than 5 3-bedroom units. She hoped the plan approved meets with the abutters' satisfaction.

Jim Shaw, 3 Alexander Drive, said they would like to take a close look at the plans before the next meeting. He is pleased with the new plan. It will fit into the neighborhood better.

He thanked the Board for their support in ensuring abutters' concerns were heard.

BOARD

Mr. Steffen suggested more variety in species in the landscaping plan. He recommended a combination of some low-level shrubbery and trees.

Mr. Gillick said that the "Shore lands" people have a list of preferred species for this area.

Mr. Emerick said that the fence issue could be addressed with a living fence.

Mr. Coronati said the year-round evergreen buffer was to help with the visual buffering. They can change the species used in the front.

Mr. Lessard asked what the logic was behind creating a 9-foot retaining wall. Mr. Bruton said in his discussions with the Building Inspector, the Building Inspector was more comfortable with patios. Mr. Coronati said the site slopes. The 9-foot section is just in the back corner. The front corner is 4-feet to 5-feet.

Mr. McMahon said he was concerned about the retaining wall. He asked how drainage would be handled. Mr. Coronati said there are good drains in the wall.

Mr. McMahon asked about the recreation area space. Mr. Coronati said the outdoor grilling area planned is no longer needed, since grilling can now be done on patios.

MOVED by Mr. Viviano to continue the application to the August 17 meeting of the Planning Board.

SECOND by Mr. Gillick

VOTE: 7-0-0 -

MOTION PASSED

- 6) Delvin Arnold
Special Permit to impact Wetlands Conservation District in conjunction with 12-lot subdivision
111 Exeter Road
Map 107, Lot 24
Owner of Record: Same as above

- 6a) Delvin Arnold
12-Lot subdivision at
111 Exeter Road
Map 107, Lot 24
Owner of Record: Same as above
Waivers Requested: Subdivision Regulation V.E. 9 (Landscaping Plan) and Section VII.F.2 (Lot corners)

Mr. Peter Agrodnia, NorthEasterly Surveying - Project Manager, and Peter Ross, Ross Engineering, presented this application. Mr. Agrodnia said there have been no major modifications to the lots as depicted in the original plan. He said they have continued work on Ambit Engineering's comments. He has documented their results and included all items on the plan. Ambit has not yet had a chance to review the revised plans.

Mr. Agrodnia said the traffic study indicated that there would be no appreciable amount of increased traffic. He said, with respect to accident history, there is no significant accident history at the intersection. He believes that it would be excessive for the applicant to have to provide speed data for this location. At 340-feet sight distance, it is designed for 43 MPH, which is 13 MPH over the speed limit there. The applicant will provide it, if needed, but they feel it shouldn't be needed.

Mr. Agrodnia then addressed drainage. He said they met with the Department of Public Works. They are pleased with the new design and have worked with the Department of Public Works on their drainage issues. He said the engineer was present tonight to answer any questions.

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Mr. Arnold has been working with the abutter across Exeter Road who needs buffering of his property. They have agreed on buffering. The abutter is still concerned with traffic.

The landscaping plan is there now, so the waiver requested from the landscaping plan is no longer needed. He discussed these landscaping plans. He said additional buffering in the area of the long driveway to Lot II would be difficult since it is heavily vegetated now. He said some trees are right on the property line now, and it would be hard to put up a fence without removing trees. He said that they are not offering any additional buffering at this time but have added a note that existing vegetation would remain. All vegetation will remain except for where the driveway itself will go.

Mr. Agrodnia said they have submitted a new traffic study and a revised drainage report.

BOARD

Mr. Lessard said he still didn't see a crosswalk on the plans. Mr. Ross pointed out the crosswalk.

Mr. Lessard asked why a natural buffer couldn't be planted along the driveway. He also said he appreciated the trees being altered around the detention pond.

Mr. Gillick asked about Mr. Steffen's recommendation that this application be tabled to August 17th for Ambit Engineering's responses and the completed traffic information. He then asked about Sheet 4 – Note 15. What is it that will be paid for by the Town of Hampton? Mr. Agrodnia said that Mr. Hangen had verbally said the drainage across the Bourne Avenue property would be paid for by the Town. Mr. Agrodnia clarified that the developer would pay for anything on the developer's property. Mr. Agrodnia said this issue involves 100 feet on Bourne Avenue property. He said the applicant was open to modifying this arrangement.

Mr. Higgins asked who would be taking care of Lot 7's detention pond. Mr. Agrodnia responded that this would be the responsibility of the owner of Lot 7. Mr. Higgins asked who the easement was to. Mr. Agrodnia said the easement would be in favor of the town. Mr. Higgins asked what the agreement was with the abutter. Mr. Agrodnia said his understanding was that it was fencing.

Mr. McMahon asked for clarification of Note 16 on Sheet 4, which involves putting riprap across the street.

PUBLIC

Westin Robert, 106 Exeter Road, asked why he hadn't been notified of any meetings. Chairman Emerick clarified that the initial meeting is the only one noticed.

Mr. Robert then spoke to prior traffic studies. He said they show 16,000 cars per day of use. He said he spoke with Mr. Barrington, who said it was probably over 20,000 now. He has concerns about increasing entering and exiting traffic onto Exeter Road. He also has concerns about headlights shining into his house. He then provided copies of an e-mail from Mr. Barrington to the Board.

Darryl Ford, Maguire Group, stated he did the traffic study. The Traffic Engineer stated in 2004 it was 16,000 cars per day of use. That data comes from the State's traffic count. He indicated the counts are done between the bridge and Route 1.

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Patricia Antlitz, 14 Bourne Ave, asked when the traffic counts are done. Mr. Emerick explained how counts are done.

She indicated she is an abutter behind the planned long driveway and has questions. She has concerns as to how the driveway turns. She is concerned about turning at this point when it is slippery. She asked if there was a driveway permit yet. She asked if there is a distinction between a driveway and a road. She asked if the driveway would be lighted. She is concerned about encroachment during construction of the driveway. She said the existing tall trees are pine and the short trees are deciduous. There will not be much buffering in winter.

Ms. Antlitz is also concerned about the building on Lot 11 with the long driveway. She said there is a new detention pond on Lot 7 that wasn't on the previous plan.

Mr. Ross said when they met with the Department of Public Works. DPW wanted to see the storm sceptor in the road. Mr. Ross said it helps to get drainage off Bourne Avenue. Ms. Antlitz asked if the detention pond would be a breeding ground for mosquitoes. Mr. Ross said there would rarely be water in the pond.

She then asked about Department of Environmental Services review of the proposal. Mr. Steffen said the applicant is proposing to impact 86,000 sq ft of wetland/wetland buffer. Site-specific review by DES triggers at 100,000 square feet. Ms. Antlitz then asked about a pre-construction blast survey if there is going to be a lot of vibration during the construction.

Ms. Antlitz then asked if the Town had ever considered purchasing the west side of the property as open space. Chairman Emerick clarified that this is open space and can't be built on with today's ordinances. She then asked about plans for a stone wall on the property. Mr. Agrodnia said they had no plans developed for this.

Al Cassano, 102 Exeter Rd, said he spoke with Mr. Arnold about the fence. He said he's satisfied with the agreement reached. He asked if he could have access to the traffic study to review it.

Mr. Steffen read the Town's engineer's comments. These addressed traffic volume, accident data, truck traffic, and signage. Since the intersection is rated as poor at this time, the impact of this project could not make it any worse than it is. He then said there were no defects at the intersection impacting safety. Vanasse traffic engineers concur with the signage recommendations.

Tammy Deland, 12 Bourne Ave, said she had submitted a petition on May 12th and that it hasn't been addressed. She asked why. Chairman Emerick advised her that the petition is part of the record.

She then asked whether Ambit Engineering's issues have all been addressed by the applicant. Mr. Steffen said the applicant has submitted revised plans and they will be sent to Ambit for comment.

Ms. Deland asked about a specific Ambit comment. Mr. Agrodnia described the changes made as a result of this Ambit comment.

Mr. Gillick explained that the Town hires Ambit to be sure that the citizens of Hampton are protected.

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She then asked if there could be a public hearing for this application alone. Chairman Emerick advised her that this was the public hearing.

BOARD

MOVED by Mr. Gillick to accept the Planner's recommendation that this application be continued to the August 17th meeting.

SECOND by Mr. McMahon

VOTE: 7-0-0 -

MOTION PASSED

Mr. Steffen asked if the Board wanted the speed study done. The Board members indicated they did not.

- 7) Condo View Realty Trust
Carolyn N Rioux, Trustee
Site Plan Review to construct 15 residential condominium units in seven buildings each containing two units; occupancy to be limited by RSA 354-A: 15, "Housing for Older Persons" at 30 Towle Farm Road
Map 123, Lot 3
Owner of Record: Same as above
New -Withdrawn at April 6, 2005 meeting

- 7a) Condo View Realty Trust
Carolyn N. Rioux, Trustee
Special Permit to Impact Wetlands Conservation District in conjunction 7-building, 14-unit condominium at
30 Towle Farm Road
Map 123, Lot 3
Owner of Record: Same as above

Stephen Ells, Attorney, and Henry Boyd, Millenium Engineering, presented this application. Mr. Ells updated the Board on the status of this application. He suggested that Mr. Boyd review the changes.

Mr. Boyd went through the list of 42 comments from Ambit Engineering. He said that Millenium Engineering has addressed all of them. He indicated one comment was that the street should have a name. Mr. Gillick and Mr. Lessard said the Fire Department should indicate whether a street name is required. Mr. Pratt said the Planner would talk with the Fire Department and get back to the Board on this issue.

Mr. Gillick asked for the name of the project. Mr. Ells said that Hickory Ridge Condominiums would be the official name of the project.

Mr. Boyd said that on point #27 they have a difference of opinion with Ambit Engineering. Ambit states the proposed driveway should be paved down from the street. Mr. Boyd described the present and proposed drainage situations. He stated

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their proposal would make the situation better by not draining as much water out into Towle Farm Road.

Mr. Boyd said each unit has four parking spaces plus there were a couple of extra parking spaces, so there is plenty of parking. The Board discussed the number of parking spaces that actually exist. The conclusion was that the requirements are met.

He then said they have tried to meet the Conservation Commission's concerns regarding water flowing into the buffer zone.

Mr. Boyd then went through the Planner's comments regarding documentation and said they will make those changes.

Mr. Ells said they had a productive meeting with abutters last week. The resolution on the fence is that the abutters would like a 6-foot vinyl fence and the applicant has agreed to install this as a condition of the approval. With regard to the tree line, the applicant has agreed with the abutters to hold this issue open for 18 months. The applicant will plant mature evergreens on the abutters' property if they want them.

BOARD

Mr. Lessard commented that the drainage pattern should be reviewed again and discussed with the Department of Public Works.

Mr. Gillick asked if the Board could get a letter from Mr. Ells on the applicant's agreement with the abutters. Mr. Ells will send the Board a copy of the letter he sends to the abutters

PUBLIC

Barbara Rindfleisch, 10 Riverwalk, is still concerned about drainage because her sump pump runs continuously now. She also indicated the density of the project concerns her.

BOARD

Mr. Steffen indicated Millennium's comments are back at Ambit for review.

He also said the fire hydrant location is still an open issue. This should be discussed with the Fire Department.

MOVED by Mr. Gillick to continue this application to the August 3rd Planning Board meeting.
SECOND by Mr. Viviano

Mr. Steffen stated that the Conservation Commission opposes granting of a special permit, but if the Board sees fit to approve, they have four conditions to be included.

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VOTE: 7-0-0 -

MOTION PASSED

III. CONSIDERATION OF MINUTES of June 15, 2005 and July 6, 2005

MOVED by Mr. Lessard to accept the June 15, 2005 minutes as written.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

July 6, 2005 minutes;

Page 1 - remove "Chairman" after Bob Viviano

Page 11 – reword last sentence to – "to improve the parking situation in the neighborhood"

Page 12 – Mr. Gillick asked if Mr. Steffen would confirm with the Fire Department that Cole Street is indeed a fire lane.

Page 15 – Change "road" to "Towle Farm Road" in Mr. Boyd's discussion of the fire hydrant.
- Last line – delete "Mr. Ells didn't have any more."

Page 16 – Mr. Gillick suggested that a letter be written to the "Riverwalk Condominium Association."

Page 17 – Condition of motion regarding curbing should reference the Department of Public Works rather than the Fire Department.

MOVED by Mr. Lessard to accept the July 6th minutes as amended

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

IV. CORRESPONDENCE

None

III. OTHER BUSINESS

- 369 Lafayette Road – Dunkin Donuts – Bond Release:

Chairman Emerick reported that he had spoken with Mr. Hangen, who is going to meet with the owner of the property. Mr. Hangen's recommendation for the Dunkin Donuts walkway is blue concrete. However, the Planning Board's decision letter referenced blue paint.

MOVED by Mr. Gillick that the Board's decision letter be reworded to state the Department of Public Works' recommendation.

SECOND by Mr. Higgins

Mr. Gillick stated that he has seen these colored crosswalks in other towns and they appear to be very effective.

VOTE: 7-0-0

MOTION PASSED

- 63 Barbour Road – Special Permit granted a couple of years ago.

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Mr. Steffen reported that there ended up being an encroachment into the wetland buffer. It was discovered and the owner went back to the Conservation Commission on June 29th. The Conservation Commission is asking the Planning Board to accept the plans for the restoration of the property at 63 Barbour Road.

Board members discussed the history of this problem and the current plan with Mr. Kopka.

MOVED by Mr. Gillick to accept the Planner's recommendation to accept the plans for restoration of the property subject to the stipulations of the Conservation Commission.
SECOND by Mr. Lessard

Mr. Lessard questioned whether a public hearing needed to be held. It was determined that it was not necessary.

VOTE: 7-0-0

MOTION PASSED

Mr. Lessard requested that Planning Board members receive copies of all departmental review documentation. This was discussed.

Mr. Higgins requested that in the future he not be assigned as the representative to the Conservation Commission during the summer months.

MOVED by Mr. Viviano to adjourn.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 9:37 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary